

REMARKS

Claims 1-5, 7-15, 17 and 18 are pending in the above application. By the above amendment, claims 6 and 16 have been cancelled.

The Office Action dated September 27, 2006, has been received and carefully reviewed. In that Office Action, claims 1-5, 11-15 and 18 were rejected under 35 U.S.C. 102(e) as being anticipated by Udom. Claims 6-10, 16 and 17 were objected to for being dependent upon rejected base claims but were indicated to be allowable if rewritten in independent form. Each of these issues is addressed below, and reconsideration and allowance of claims 1-5, 7-15, 17 and 18 is earnestly solicited in view of the above amendments and the following remarks.

Claim 6 was objected to for being dependent upon a rejected base claim but was indicated to be allowable if rewritten in independent form. By the above amendment, the limitations of claim 6 have been added to claim 1. Claim 1 and its dependent claims 2 and 3 are therefore submitted to be in condition for allowance.

Claim 7 was indicated to be allowable if rewritten in independent form. This has been accomplished by the above amendment, and claim 7 and its dependent claims 8-10 are therefore submitted to be in condition for allowance.

Claim 16 was objected to for being dependent upon a rejected base claim but was indicated to be allowable if rewritten in independent form. By the above amendment, the limitations of claim 16 have been added to claim 11. Claim 11 and its dependent claims 12, 13, 17 and 18 are submitted to be in condition for allowance.

Claim 4 was rejected under 35 U.S.C. 102(e) as being anticipated by Udom. Original claim 4 included the limitation "wherein the authentication failure control section controls the informing section to transmit the authentication failure result stored in the authentication result storing section to the communication base station when the current user makes an attempt at transmission control." The Office Action interpreted Udom's transmission of an authentication result as corresponding to the claimed attempt at transmission control. By the above amendment, claim 4 has been rewritten in independent form and amended to require that an authentication failure result be transmitted when a user attempts to use the mobile terminal communication function. Udom does not discuss transmitting a failure result when a user attempts to use a

communication function of a device. Claim 4 as amended is submitted to be allowable over Udom for at least this reason.

Claim 5 was rejected under 35 U.S.C. 102(e) as being anticipated by Udom. Claim 5 has been rewritten in independent form and amended to require that the informing section transmits a stored authentication failure result only after personal authentication has failed a predetermined number of times greater than one. This amendment is supported, for example, by page 21, lines 6-17 of the specification. The Office Action indicates that transmitting an authentication failure result after personal authentication has failed a predetermined number of times is discussed in paragraph 0028 of Udom. That paragraph, however, merely states that if authentication fails, the program may loop back to the fingerprint scanning step or issue an error message. This language provides no information about the transmission of an authentication failure result as recited in claim 5. The fact that one of ordinary skill might "recognize that the authorization procedure is capable of being looped back or repeated a predetermined number of time before an error message is displayed" in no manner suggests that an authentication result be transmitted to a communication base station only after the personal authentication has failed a predetermined number of times greater than one as now required by amended claim 5. The invention defined by claim 5 as amended is not shown or suggested by the art of record, and claim 5 is submitted to further distinguish over Udom for this reason.

Claim 14 was rejected under 35 U.S.C. 102(e) as being anticipated by Udom. Claim 14 has been amended in a manner generally similar to the amendment discussed above in connection with claim 4, and claim 14 is submitted to be allowable over the art of record for at least the reasons provided above in connection with claim 4.

CONCLUSION

Each issue raised in the Office Action dated September 27, 2006, has been addressed, and it is believed that claims 1-5, 7-15, 17 and 18 are in condition for allowance. Wherefore reconsideration and allowance of these claims is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the examiner is respectfully requested to contact Scott Wakeman (Reg. No. 37,750)

Application No. 10/808,332
Amendment dated November 14, 2006
Reply to Office Action of September 27, 2006

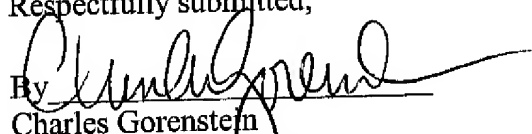
Docket No.: 0397-0477PUS1

at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

Dated: November 15, 2006

Respectfully submitted,


By _____

Charles Gorenstein

Registration No.: 29271

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant